
STATES OF JERSEY



STATES EMPLOYMENT BOARD: ANNUAL REPORT 2019

**Presented to the States on 7th May 2020
by the States Employment Board**

STATES GREFFE

REPORT

INTRODUCTION

The States Employment Board is constituted by the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#). Our functions are wide-ranging, covering matters of employment, pay, health and safety, the organisation of the States employees, instructing and responding on legal matters that concern the Board.

The States Employment Board is the employer of all public employees in Jersey and is responsible for fixing these employees' terms and conditions. It is chaired by the Chief Minister, or his nominee, and brings together 2 members who are Ministers or Assistant Ministers and 2 members who are not.

To assist in the discharge of our function we issue Codes of Practice. It is the responsibility of each accountable officer in a States-funded body (including non-ministerial bodies) to comply with these Codes.

This report provides information about the work of the States Employment Board (the "Board") from 1 January 2019 through to 31 December 2019.

CONSTITUTION OF THE BOARD

Members

- i. Senator J.A.N. Le Fondré, Chair
- ii. Deputy S.J. Pinel of St. Clement
- iii. Deputy G.J. Truscott of St. Brelade
- iv. Connétable D.W. Mezbourian of St. Lawrence
- v. Connétable R.A Buchanan of St. Ouen, Vice-Chair.

Independent Adviser

The Board may appoint up to 2 independent advisers. During 2019, there was one appointee:

Mrs. Beverley Shears acted as the independent adviser to the Board throughout the year. Mrs. Shears is an experienced executive and non-executive director across the public and private sectors, with an expertise in strategic employment matters.

A vacancy for a second adviser remains.

Governance

The States Greffe provides administrative support and minute-taking at the Board.

The Chief Executive and Head of Public Service provides advice and guidance to the Board, supported by senior officers as required.

Legal advice is provided by the Law Officers' Department.

People and Corporate Services provide secretariat and co-ordinating functions.

Meetings of the Board

In 2019, there were 30 meetings of the Board. There were no virtual meetings of the Board, although from time to time Members receive further information electronically before confirming their decision.

The Board may create sub-committees to address specific areas, or to delegate decision-making. In 2019, there were no active sub-committees.

AUDIT AND ASSURANCE

(i) Report of the Comptroller and Auditor General (2019)

In March 2019, the Comptroller and Auditor General issued her report, '[Role and Operation of the States Employment Board](#)' setting out a number of suggested improvements to assist the Board in discharging their duties.

The Board welcomed the review and the 20 recommendations. We have made good progress in implementing the recommendations and will have completed most of them within a year of the report.

Recommendations relating to employment legislation are expected to be implemented in the last half of 2020, subject to the States Assembly.

The Board understand that a follow-up audit is scheduled for 2021.

(ii) Report of the Jersey Appointments Commission (2018)

The States Employment Board has responsibility for the Jersey Appointments Commission (JAC). We received the [JAC Annual Report 2018](#) and welcomed the role that the Commissioners play in ensuring fair and transparent appointments to public bodies.

The Board was pleased to confirm a number of appointments to the Commission to ensure that Commissioners have a range of expertise and capacity to undertake their duties.

The Chair of the Commission, Dame Janet Paraskeva D.B.E, P.C. has a standing invitation to the Board every 6 months as well as presenting her annual report.

We have recognised and supported the need for additional secretariat resources to support the work of the Jersey Appointments Commission through the Government Plan. The Board has been working to improve the support Commissioners have, and to ensure that all Government appointments comply with their guidance.

We have a joint concern about both the level of candidates being attracted from the Island for senior roles. We have agreed that more work is required to monitor the diversity of candidates and understand how we can attract a more diverse field of applicants.

More information including guidance, reports and details of the Commissioners is available on the gov.je website.

GENERAL MATTERS CONSIDERED BY THE BOARD

(i) Workforce Modernisation Programme

Following the failure to agree substantial changes through the Workforce Modernisation Programme with most trade unions, it was decided to end the programme and focus only on matters of public sector pay, given that pay awards had not been agreed for 2018, 2019 and the pending 2020 award.

(ii) Public Sector Pay and Pensions

The Board directed that negotiations should take place to address the outstanding pay awards for 2018 and 2019, alongside the approach for 2020, with each of the trade unions representing different pay groups.

Given the backlog of discussions and absence of agreed ways forward with key unions, the complexity of the preceding approach to Workforce Modernisation and the breakdown in the usual machinery of negotiation the discussions were, for some workforce groups, difficult.

Both the civil service and teaching pay groups entered into industrial disputes serious enough to result in industrial action including, for some unions, strike action. However, despite the difficulties, the negotiators on behalf of the Board maintained a dialogue throughout.

All pay groups with the exception of the civil service, reached negotiated pay settlements with the employer for 2018, 2019 and 2020.

The Board also agreed that those on senior salaries (in excess of £100,000 per year) should not have any pay increase for 2018 and 2019. This is in recognition of the difficult pay environment for the Government.

The Board directed, following legal advice, the defence of the claim relating to the implications of the introduction of the CARE pension scheme in the Fire and Rescue Service.

(iii) Organisational culture

The Board welcomed the publication of the [Team Jersey Phase One Report](#) in March 2019. The report crystallised the outcomes of the staff survey in 2018 and provided a system-wide view of the activity required to address cultural deficits within the organisation.

The Board welcomed the development of a Government-wide Team Jersey programme, including all-colleague sessions to learn about new ways of working, performance management, having honest conversations, respect in the workplace and development to improve the quality of leadership and line management.

Progress has been made in relation to a new induction programme, and a new performance management approach through My Conversations, My Goals. We were pleased to endorse the restatement of our organisation values and behaviour framework, developed in partnership with our employees.

(iv) Bullying and Harassment

The [HR Lounge report](#) into allegations of a culture of bullying and harassment was a concern for the Board. Because of this, the Board directed that a new policy to ensure all employees understood how to speak up and report instances of bullying or harassment in the workplace.

All line managers received training on the new policy. Alongside this a Whistleblowing policy and confidential reporting line through an independent company was established.

The Board remain concerned that the culture of the organisation is taking time to change, through the Team Jersey programme. In 2020 we will refocus our efforts on assuring ourselves that there is a zero-tolerance of bullying and harassment in the workplace.

The Board sought assurance about a specific case and the investigation through an independent review of the original case and investigation commissioned directly by the Board. We were assured by the independent review.

(v) Organisation of Government Departments (Target Operating Model)

A significant amount of the Board's work is related to organisational change to continue to implement and embed the One Government (OneGov) structure.

The Board has overseen the development and implementation of the Target Operating Models for each department. The approvals are governed by OneGov design principles, to ensure greater consistency across the Government and Non-Ministerial Departments.

We welcomed the development of a comprehensive toolkit for departments to use and note that this has been improved throughout the year.

Target operating models are complete, in the main, across Treasury and Exchequer, the Office of the Chief Executive, Strategic Policy, Performance and Population (SPPP), and Customer and Local Services. We expect all changes to be complete across departments in 2020.

(vi) Gender Pay

The Board welcomed greater transparency through the publication of our first [Gender Pay Gap Report](#) in 2019. We have committed to the publication of the report and action plans every year.

The publication is the first step to ensuring we are transparent about pay and pay parity across the Government and ensuring we have plans in place to remove an inequity or disadvantage across the Government.

Whilst we have a comparable pay gap to similar organisations within the United Kingdom, this does not mean that we are satisfied with the outcome and we have committed to reducing the pay gap.

To do this we have shown leadership across public service, alongside the Jersey Appointments Commission, to address both the pay gap and the low representation of women in senior roles within the public service sector.

Additionally, we are supporting the I WILL (Women in Leadership and Learning) group within the Government to promote opportunities for learning, networking and applications for greater representation of women in public service leadership positions.

The publication of the Government's pay gap prompted great interest from Scrutiny, press and the private sector.

In 2020, we will focus on diversity and inclusion in its widest sense, as a specific aspect of the People Strategy.

(vii) Policy and Workforce Improvements

The Board reviews and approves changes to employment policies.

In 2019, many of the policies relating to organisational change were amended to reflect current practise and learning from the implementation of the target operating models including –

- Redeployment Policy
- Organisational Change Policy
- Compulsory Redundancy Policy
- Pay Protection Policy.

In addition, the Board approved an amendment to paid time off for breast-feeding and an improvement in the provision for mothers breast-feeding at work.

Amendments to the policy to reflect changes to legislation for maternity leave were agreed, with a wider review of parental leave expected in 2020 to ensure parity across all type of family and parental arrangements.

A new policy for customer feedback, replacing the former Complaints Policy, was endorsed by the Board, noting that the aim was to create learning opportunities to improve customer service and outcomes, along with encouraging recognition for good work undertaken by our employees. A new training module was delivered across the Government.

The Board reviewed the application of zero-hours contracts and directed officers to ensure that the policy is used appropriately and ensures employees who should accrue employment rights should do so through proper contracting arrangements.

(viii) Use of Consultants (Approvals and Reports)

The Board receives and reviews requests for the appointment of senior officers, interim workers and contractors.

During 2019, we have significantly improved our approach and oversight of this activity including requiring more explanation about the need for off-Island recruitment and resource, the arrangements for succession planning as well as a greater breakdown of

anticipated costs. The system will be made electronic and centralised during 2020 to ensure greater oversight and transparency.

All the requests and actual spend is now published as a result of [P.59/2019](#), with set definitions. This has required a change to the internal process of collating information. The first such report was presented to the States in December 2019 by the Chief Minister ([R.149/2019](#)).

(ix) Operational Improvements

The Board were pleased to note that our campaign to recruit hard-to-fill social worker positions has been nationally recognised for its honesty and approach to attracting quality candidates. The ‘Let’s Be Honest’ campaign attracted social workers and has begun to reduce our dependency on short-term locum staffing arrangements throughout 2019 and into 2020.

Improved workforce reporting through a new dashboard continues to be developed to bring together a single view of the workforce.

We have supported the introduction of a new workforce development platform, ‘My Development’ alongside the virtual college to provide additional learning opportunities and courses for employees.

We have started the roll-out of e-rostering within health services to improve the efficiency of workforce planning as well as reducing the administration burden on the wards. This is helping the Government utilise nursing resources more effectively.

In December 2019, we introduced an automated exit survey process to help capture more information about the reasons why people leave the Government. Whilst our turnover is lower than comparable organisations, this approach adds a greater level of information to helping us understand how we can better meet the expectations of our employees.

We have begun the procurement for a new Integrated Technology Solution (ITS) to replace the multiple systems we use to manage the workforce. The Board is supportive of reducing the number of systems managers and employees need to use, and the simplification of systems and processes as part of the enhancement in the employee experience. It is intended to have a combined system with finance to enhance financial reporting and insight into the productivity of the workforce. The replacement system is expected to go live in 2021.

COMPLAINTS AND LEGAL MATTERS

(i) Health and Safety

The Board remains concerned about health and safety in the workplace. We have received quarterly reports relating to health and safety incidents. At our request we asked that line managers undertake mandatory training. At present we are not yet assured that this has been done. We will write to accountable officers with a direction in 2020 once the new corporate training platform is implemented.

The Board gave particular attention to a number of improvement notices served by the Health and Safety inspectorate over the preceding years alongside recent incidents. This remains an area of heightened concern for the Board.

(ii) Disputes and Collective Grievances

The resolution of historic and current public sector pay was a significant aspect of the work of the Board in 2019. A few formal disputes were raised by the civil service staff side, teaching trade unions and the fire and rescue trade union. Other disputes were resolved through negotiation and dialogue.

- Civil service dispute: the dispute remains relating to the pay awards. To date the trade union instigated a strike over the August bank holiday. At the end of 2019, the dispute remained unresolved and action short of strike action (work to rule, ban on overtime, etc.) remains in place. The pay awards were implemented without agreement.
- Teaching trade unions: the dispute related to pay and conditions. A number of strike days took place in the first half of 2019. The dispute was resolved following further negotiation.
- Fire and Rescue Service (Pensions): A dispute was raised following changes to the pension scheme for fire fighters. The matter was resolved by the courts in early 2020, finding in favour of the States Employment Board.

The Board is awaiting the outcome of a collective grievance related to the Allied Health Professionals (AHPs) project. The project seeks to address an historical error in the grading of AHPs. An outcome to the grievance is expected in Quarter 1, 2019. The overall AHP project, with the wider view is being addressed in two phases, with the first phase complete by mid-2020.

(iii) States Complaints Board

No complaints were upheld against the States Employment Board by the States Complaints Board in 2019.

The Board considered the case of Mrs. X who was a complainant to the States Complaints Board who upheld her complaint against the Minister for Health and Social Services. The Board considered her complaint in light of employment matters. The outcome of the review was conveyed directly to Mrs. X.

FORWARD LOOK FOR 2020

The States Employment Board will continue to improve our oversight of the workforce and discharge our responsibilities. In 2020, we intend to bring greater structure and oversight to the delivery of our plans, including:

Strategy: Development of a People Strategy and delivery plan to monitor progress. This will include our approach to workforce and succession planning, workforce development, Team Jersey and cultural development, improving the voice of the employee, leadership and management development, performance management and creating a unique employer value proposition to position the Government as a go-to employer.

Risk: Development of a strategic risk register related to employment matters, along with a plan to mitigate potential risk and issues.

Diversity and inclusion: a complete policy review of our approach as an employer to break down barriers to progression and equality, and to model best practise as the largest employer in the Island.

Health and safety: greater oversight and assurance of health and safety across the government, including introducing an auditing function to assure the Board of compliance and address risks. This includes addressing concerns about mental health at work and supporting our workforce.

Total Reward: Putting in place a strategy to look at longer-term pay, reward and benefits to position the Government as a responsible employer.

Trade Union relations: Establishing new machinery of industrial relations and committing to improving regular, structured engagement with the trade unions.

APPENDIX

WORKFORCE INFORMATION

Staff report

The table below shows the number of directors and senior civil service staff, defined as civil service grade 15 and above, as a proportion of total year-end headcount.

The figures presented are for December headcount for departments and trading operations.

	2019		2018	
	Headcount	FTE	Headcount	FTE
Directors (CSB)	15	15	16	16
Senior staff	124	123	125	124
Total Staff	6,889	6,217	6,786	6,090

Staff number

The average number of full-time equivalent persons employed are set out in the following table.

	2019		2018	
	Headcount	FTE	Headcount	FTE
Fixed Term Staff	515	372	379	309
Permanent Staff	6,404	5,765	6,393	5,751
Total Staff	6,919	6,137	6,772	6,060

Staff costs

The tables below provides a breakdown of staff across core Government and non-ministerial departments. A full breakdown of staff costs across the group can be found in note 4.8 Staff Costs.

2019

Year End FTE	Department	Note	Salaries and Wages	Pension	Social Security	Total
			£000	£000	£000	£000
180.8	Chief Operating Office		11,780	1,639	675	14,094
1830.7	Children, Young People, Education and Skills		90,740	13,226	5,502	109,468
254.6	Customer and Local Services		9,855	1,397	613	11,865
509.5	Growth, Housing and Environment		25,385	3,456	1,520	30,361
2,119.0	Health and Community Services		109,648	13,987	6,301	129,936
691.5	Justice and Home Affairs		36,809	4,908	2,163	43,880
206.3	Non Ministerial		12,558	2,012	659	15,229
64.9	Office of the Chief Executive		5,761	794	310	6,865
25.1	States Assembly (Excluding States Members)		2,115	301	104	2,520
79.9	Strategic Policy, Planning and Performance		5,096	727	266	6,089
215.2	Treasury and Exchequer		11,650	1,569	1,049	14,268
6,177.6	Department Total		321,397	44,016	19,162	384,575
20.0	Jersey Car Parks		731	110	47	888
19.0	Jersey Fleet Management		857	113	54	1,024
39.0	Trading Operations Total		1,588	223	101	1,912
6,216.6	Total		322,985	44,239	19,263	386,487